HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1189 OF 2003

Petitioner : Ashok Kumar Marbal, S/o shri P.R. Marbal, aged about 34 years, Occupation Naib Tehsildar, Deepika District Korba (CG)

Versus

Respondents :
1. State of Chhattisgarh through the Secretary, Department of Revenue, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. The Collector, Korba, District Korba (CG)
3. Tehsildar, Korba Tehsil and District Korba (CG)

Shri Shailendra Dubey, learned counsel for the petitioner.
Shri Pankaj Shrivastava, learned Panel Lawyer for State/respondents.

ORAL ORDER

(2nd February, 2006)

The petitioner, who was working as Nayab Tehsildar at Distt. Korba was transferred to Distt. Dantewada by impugned order dated 14.1.2003 (Annexure P-1).

2. The petitioner has filed this petition challenging the validity of the said order dated 14.1.2003. This Court by order dated 30.4.2003 directed the petitioner to continue on the original place of posting if the petitioner was not relieved. By virtue of order dated 13.4.2003, the petitioner continued to work at the same place and has been granted final relief by order dated 13.4.2003. Therefore, it is not necessary at this stage to go into the validity of the impugned order dated 14.1.2003. The petition has become infructuous with the passage of time. Even otherwise, this Court while exercising its power under Article 226 and 227 of Constitution of India has limited scope in interfering with the transfer order. Since the transfer order could not be given effect to by virtue of interim order passed by its Court, the petitioner has already been granted final relief. In the facts of the case, the respondents/authorities are directed not to insist on compliance of the impugned transfer order.

3. For the reasons stated above, the writ petition is dismissed as having become infructuous. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Priya